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Patent  
Attorney's Docket No. 018775-718

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

# 38

In re Patent Application of	)	MAIL STOP PETITION
Kenji Ishibashi et al.	)	Group Art Unit: 2675
Application No.: 08/988,537 ✓	)	Examiner: Amr A. Awad
Filed: December 10, 1997	)	Confirmation No.: 7632
For: IMAGE OBSERVATION	)	
APPARATUS	)	

**PETITION TO WITHDRAW HOLDING ABANDONMENT-FAILURE  
TO RECEIVE NOTICE OF ALLOWANCE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with MPEP 711.03(c) II, Applicants respectfully petition for withdrawal the holding abandonment based on the fact that the Applicants have not received any communication from the United States Patent and Trademark Office (USPTO) subsequent to the Decision on Appeal mailed January 13, 2004. It is the understanding of the undersigned from a communication with Examiner Awad that the Notice of Allowance was sent more than three months ago on March 12, 2004. The Examiner indicated that the Notice of Allowance had been returned to the USPTO.

The Office communication, i.e., the Notice of Allowance, was not received by the undersigned. A search of the file jacket and docket records indicates that the Office communication was not received as evident from the attached copy of the docket record for this application. If the Office communication had been received, an Issue Fee due date would have been entered on this record. It should be noted that

**Petition To Withdraw Holding Abandonment-Failure To Receive Notice Of Allowance**

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the docket record indicates "SC-Not Allow Rcvd," meaning that a Status Check was to be filed on September 13, 2004, inquiring as to why the Notice of Allowance had not yet been received by the Office of the undersigned. Had a Notice of Allowance been received, a different action item would have been posted, i.e., payment of the Issue Fee would have been indicated as an action item.

In light of the forgoing, Applicants respectfully request reissuance of the Notice of Allowance, together with all its attachments, and resetting of the response period.

It does not appear that any fee is required by filing of this Petition. However, should the Office deem otherwise, the Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 120(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: August 31, 2004

By: 

Charles F. Wieland III  
Registration No. 33,096

Attachments: Copy of Docketing Report for  
Burns Doane Ref. No. 018775-718 (08/988,537)

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BDSM# 018775-718

PRINTED ON: 8/30/2004

COUNTRY	US	UNITED STATES	TITLE		PRIOR	12/10/1996	
NEW/CON	NEW	SERIAL#	08/988,537	Image Observation Apparatus	MAIL		
RELATED		PATENT#			FILE	12/10/1997	
TYPE	UTL	STATUS	PENDING		PUBL		
CLIENT	018775	Aoyama and Partners	1	CREF	526443	ISSUE	
AGENT				AREF		1ST	12/10/1997
						EXP	12/10/2017

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	REMIN	1	2	P
PI	Y	Priority Doc Filed	2/9/1998							1			
DS	N	Inf Disclosure Stmt	12/10/1997	3M	3/10/1998	15	6/10/1999	6	2/9/1998	1	1M	Y	Y
PM	Y	Priority Acknw	8/18/1999							1			
RE	N	Response to OA	8/18/1999	3M	11/18/1999	3	2/18/2000	3	1/18/2000	1	2M	Y	Y
DA	Y	Req Drawing Approval	1/18/2000							1			
NA	Y	Notice of Appeal	4/11/2000							1			
FR	N	Final Rejection Resp	4/11/2000	3M	7/11/2000	3	10/11/2000	2	8/30/2000	1	2M	Y	Y
AV	Y	Advisory Action	9/12/2000							1			
53	Y	CPA Filed - \$1.53(D)	9/28/2000							1			
3rd Mth EOT Filed 9/28/00													
F7	N	File CPA Application	10/11/2000	0M	10/11/2000		10/11/2000	0	9/28/2000	1	1M	Y	Y
FILE CPA PER CLIENT INSTRUCTIONS													
RE	N	Response to OA	11/20/2000	3M	2/20/2001	3	5/20/2001	2	4/17/2001	1	2M	Y	Y
2-MTH EOT FILED 4/17/01													
AV	Y	Advisory Action	8/28/2001							1			
NA	N	Notice of Appeal	6/29/2001	3M	9/29/2001	3	12/29/2001	0	9/19/2001	1	2M	Y	Y
FR	N	Final Rejection Resp	6/29/2001	3M	9/29/2001	3	12/29/2001	0	8/10/2001	1	2M	Y	Y
AB	N	Appeal Brief Due	9/19/2001	2M	11/19/2001	5	4/19/2002	0	11/13/2001	1	2M	Y	Y
RH	Y	Req Oral Hearing	1/28/2002							1			
NOT FILING PER ATTACHED NOTE TO FILE													
PO	Y	PTO Communication	3/21/2002							1			
REPLY BRIEF FILED 03/13/02 HAS BEEN NOTED, AWAITING EXAMINERS ANSWER.													
RB	N	Reply Brief Due	1/28/2002	2M	3/28/2002	0	3/28/2002	0	3/13/2002	1	2M	Y	Y
SX	N	SC - Exam Answer	11/13/2001	6M	5/13/2002	0	5/13/2002	0	1/29/2002	1	15D	Y	Y
DS	Y	Inf Disclosure Stmt	7/23/2003							1			
3RD													
OD	Y	Order Remanding Exr	8/12/2003							1			
MD	Y	Misc PTO Ltr Filed	8/28/2003							1			
LETTER WITH SIGNED PTO FORM 1449.													
AE	Y	Appeal to Court	1/13/2004							1			
NOT FILING PER CHAD BOARD RULED IN OUR FAVOR													
RQ	Y	Req Reconsideration	1/13/2004							1			

## NOT FILING PER CHAD BOARD RULED IN OUR FAVOR

S9	N	SC - Board Decision	3/13/2002	24	M	3/13/2004		3/13/2004	0	8/12/2003	1	15	D	Y	Y	Y	
SN	N	SC - Not Allow Rcvd	1/13/2004	8	M	9/13/2004	0	0	9/13/2004	0		1	15	D	Y	Y	Y

## INVENTORS

Ishibashi, Kenji

## ASSIGNEES

Minolta Co., Ltd.

## PRIOR APPLICATIONS

REFERENCE#	CNTRY	SERIAL#	FILED	TITLE / DESCRIPTION	TYPE
	JP	8-329447	12/10/1996		APPL
	JP	8-329449			APPL
	JP	8-330668			APPL

## USER-DEFINABLE FIELDS

PG	
TYPE	P2
CPA	No

## PATENT FIELDS

SMALL ENTITY		ART UNIT	
CLAIMS		EXAMINER	
PUBLICATION#		CONFIRM#	

P13860US00 ENTERED 1/1/1980 MODIFIED 8/12/2004 BY CIN ATTORNEYS PNM / CFW / -

## NOTES

Reel &amp; Frame: 9087/822

Priority Applications: 8-329447; 8-329449; 8-330668

Priority Country: JP

Miscellaneous Info 1: REQ FOR ISSUANCE OF MISS/PARTS F.2/9/98

Miscellaneous Info 2: REQ/CORR OFR F. 4/1/98